

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDEUS LAMAR SMITH,

Defendant.

Case No. 3:22-cr-145

**RESPONSE OPPOSING  
PRESENTENCE RELEASE**

Smith is detained pending sentence, so the usual statute for reviewing release, which he cites, does not apply. *See* 18 U.S.C. § 3143(a). (Doc. 64.) His guideline range is **some 292 to 365 months**. (Doc. 40, PSR, ¶ 62.) He was arrested on a complaint in April 2022. (Doc. 9.) He waived detention the next month. (Doc. 13.) And he pleaded guilty by the end of that summer. (Doc. 32.) But seven times since he has sought to reschedule his sentencing. (*See* Docs. 36, 38, 44, 47, 56, 58, and 62.) Not without good reason, maybe, but he could choose to proceed to be sentenced instead of continuing to wait.

Even assuming this is not a case that requires detention under § 3143(a), that statute imposes on Smith the burden to show by clear and convincing evidence that he won't flee or pose a risk to the community. Given his lengthy criminal history involving violent crimes and agreement to plead guilty in state court to conspiracy to commit murder and accomplice to murder (*see* Doc. 54), the Court could not find here by any standard of proof that Smith is not likely to flee and is not a danger to the safety of any other person or the community. Indeed, the Court previously found that even a two-day furlough was inappropriate for Smith. (Doc. 55.)

The United States respectfully requests the Court deny the Motion without a hearing.

Dated: August 8, 2025

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